

REMARKS

In the Office Action mailed March 3, 2003, the Examiner rejected claims 113,119 and 125 and objected to claims 8, 10, 12, 23, 24, 120 and 125-152. By way of the foregoing amendments and the version with markings to show changes attached hereto, Applicants have amended claims 8, 10, 23, 120, 125-131, 133, 143, 146, 148, 149 and 151, have added claims 153-156 and have canceled claims 12 and 134. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

I. Specification

The Office Action suggested that the, "Related Cases section on page 1 of the specification does not provide the current status of U.S. Applications serial numbers 09/210,428...and 09/210,086..." Thus, Applicants have amended the "Related Cases" section above to provide the currents status of those applications.

The Office Action also suggested that the current status of U.S. application serial no. 09/133,171 needs to be provided at lines 14-15 of page 78 of the present application. Thus, Applicants have amended the specification to include such current status.

II. Information Disclosure Statement

The Office Action suggested that copending applications with serial nos. 09/863,532 and 09/858,048 were not considered because copies, "were not readily available". Applicants provide herewith an Information Disclosure Statement including two issued patents (6,553,318 and 6,535,822) that have issued for the copending applications.

III. Claim Objections

The Office Action objected to claims 8, 10, 12, 23, 24, 120 and 125-152 under 37 C.F.R. 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each particular objection is addressed as follows:

The Office Action objected to claim 8 suggesting that the claim, "cites 'the thermal property' which lacks antecedent basis in claims 5 and 6". Thus, Applicants have revised claim 8 to remove dependency upon claims 5 and 6. Applicants have also added claim 153 similar to claim 8 to depend on claims 5 and 6 with proper antecedent basis.

The Office Action objected to claim 10, line 3, claim 133, line 3 and claim 134, line 4 for reciting the phrase "said silicon nitride membranes" when the antecedent basis for the phrase "appears to be singular". In response, Applicants have amended each occurrence of the phrase in claims 10 and 133 to be singular. Claim 134 has been canceled.

The Office Action objected to claim 12, line 2, suggesting that "said microthin film membrane" lacks antecedent basis in claims 1-6. Claim 12 has been canceled making the objection moot.

The Office Action objected to claim 23, line 2, suggesting that" the at least one thermal property" lacks antecedent basis in claims 5 and 6. Thus, Applicants have revised claim 23 to remove dependency upon claims 5 and 6. Applicants have also added claim 154 similar to claim 23 to depend on claims 5 and 6 with proper antecedent basis.

The Office Action objected to claim 120, line 11, suggesting that most of the line is blank after the words "said sensor". Such "blankness" was caused by a typographical error that accidentally caused a new paragraph to start and the error has been remedied.

The Office Action objected to claim 125, line 12, suggesting that, "it appears that ' ; and' is missing at the end of the line" and suggesting that, "This same type of problem also occurs in claim 126, line 14, claim 127, line 14, claim 128, line 18, claim 129, line 17. In response, Applicants have added " ; and" or "and" where needed.

The Office Action objected to claim 129, line 13, for citing "at least one property of a material" suggesting that, "the antecedent basis is 'at least one electrical transport property of a material'" and also suggesting that, "This same type of problem also occurs in claim 130, line 12". In response, applicants have added the term "electrical transport" as requested.

The Office Action objected to claim 130, line 17 suggesting that, "it appears that the word "and" is missing at the end of the line." Applicants have responded by adding the word "and".

The Office Action objected to claim 131, line 2, for citing "the thermal property" however the antecedent basis is "at least one thermal property". Applicants have responded by changing "the thermal property" to "at least one thermal property".

The Office Action also suggested that, in claim 131, "'the thermal property' lacks antecedent basis completely in claims 117, 118, 123 and 124." In response, Applicants have amended the dependency of claim 131 to remove dependency on claims 117, 118, 123 and 124 and have added claim 155 similar to claim 131 to depend on claims 117, 118, 123 and 124 with proper antecedent basis.

The Office Action objected to claim 134. Claim 134 has been canceled making the objection to it moot.

The Office Action objected to claim 143, lines 1-2, for citing "'the at least one thermal property' which lacks antecedent basis in claims 117, 118, 123 and 124." In response, Applicants have amended the dependency of claim 143 to remove dependency on claims 117, 118, 123 and 124 and have added claim 156 similar to claim 143 to depend on claims 117, 118, 123 and 124 with proper antecedent basis.

The Office Action objected to claim 146, line 1, for citing "The apparatus of claims 125, 126, 127, 128, 129 or 130" and suggesting that, "because it is referring to 'claims' (i.e. plural) it is not clear that this multiple dependent claim is depending from the claims cited in the alternative only to be a proper multiple dependent claim." In response, applicants have changed the word "claims" to read "claim".

The Office Action objected to claim 146, line 2, for citing "the electrical transport property" and suggesting that its, "antecedent basis is 'at least one electrical transport property.'" Thus, Applicant have amended the phrase "the electrical transport property" to read "at least one electrical transport property."

The Office Action objected to claim 148, lines 1 and 3, for citing "said leads" and suggesting that, "the antecedent basis is 'plurality of electrical leads'" and further suggesting that, "This same type of problem also occurs in claim 149, line 2." In

response, Applicants have changed the dependency of claims 148 and 149 and have amended the claims to provide proper antecedent basis.

The Office Action objected to claim 148, line 2, for citing "said material samples' which lacks clear antecedent basis" and suggesting that, "This same type of problem also occurs in claim 149, lines 1-2." The Office Action also objected to claim 149, line 3, for citing "said 5 or more samples' which lacks antecedent basis in claims 129 and 130" and suggesting that, "This same type of problem also occurs in claim 151, lines 2-3." In response, Applicants have amended the dependencies and that wording of claims 148, 149 and 151 to provide proper antecedent basis.

IV. Double Patenting

The Office Action rejected claims 113, 119 and 125 under the judicially created doctrine of obviousness-type double patenting, "as being unpatentable over claims 4, 1 and 2 respectively of U.S. Patent No. 6,477,479. In response, Applicants have filed a terminal disclaimer herewith to overcome the rejection.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants intend to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

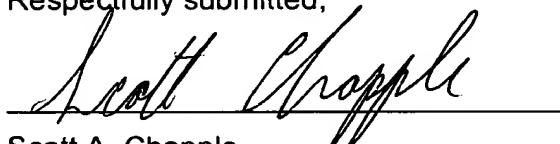
Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 593-9900.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-0496 for any fee which may be due.

Respectfully submitted,



Scott A. Chapple
Registration No. 46,287
DOBRUSIN & THENNISCH PC
401 S. Old Woodward Ave., Ste. 311
Birmingham, MI 48009
(248) 593-9900

Customer No. 25215